

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MINNESOTA

Jeffrey Weisen,

Plaintiff,

v.

Rademacher Companies, Inc., d/b/a
Bill's Superette and Rademacher Family
Partnership, LLP,

Defendants.

**NOTICE OF REMOVAL TO
FEDERAL COURT**

TO: THE CLERK OF THE UNITED STATES DISTRICT COURT FOR THE DISTRICT OF MINNESOTA; AND PLAINTIFF ABOVE NAMED.

Defendants Rademacher Companies, Inc., d/b/a Bill's Superette and Rademacher Family Partnership, LLP (collectively "Defendants"), by and through their attorneys, Henningson & Snoxell, Ltd., hereby remove this action from the Hennepin County District Court, Fourth Judicial District, to the United States District Court of Minnesota pursuant to 28 U.S.C. § 1331.

In support of their Notice for Removal, Defendants state as follows:

1. Plaintiff Jeffrey Weisen ("Plaintiff") served a Summons and Complaint captioned *Jeffrey Weisen v. Rademacher Companies, Inc., d/b/a Bill's Superette and Rademacher Family Partnership, LLP*, State of Minnesota, Fourth Judicial District, County of Hennepin upon Defendants on January 5, 2021 (hereinafter "State Court Action").

2. The Summons and Complaint, attached hereto as **Exhibit A**, is true and correct copy of the Summons and Complaint served upon Defendants and constitutes all process, pleadings and orders served upon Defendants to date. Exhibit A is attached as required by 28

U.S.C. § 1446(a). As of the date of this filing, the Complaint has not been filed with the Hennepin County District Court.

3. Defendants' have not answered the Complaint, and no further proceedings have taken place in the State Court Action.

4. The Complaint seeks declaratory judgement, injunctive relief, and nominal monetary damages due to Defendant's alleged violation of the Americans with Disabilities Act ("ADA") as well as attorneys' fees and costs in connection with the prosecution of this matter.

5. This Court possesses Federal Question Jurisdiction in this case. According to 28 U.S.C. § 1331, federal district courts possess "original jurisdiction of all civil actions arising under the Constitution, laws, or treaties of the United States."

6. The Complaint alleges violations of the ADA, which is a law of the United States. Therefore, this Court has Federal Question Jurisdiction over this matter.

7. This Notice of Removal is timely under 28 U.S.C. § 1446(b)(1) because it is being filed within thirty (30) days after January 5, 2021, the date on which the Defendants were served with the Summons and Complaint.

8. Venue is proper in this Court for removal purposes under 28 U.S.C. § 1441(a), as this Court is "the district court of the United States for the district and division" where the State Court Action is pending.

9. Written notice of the filing of this Notice of Removal will be promptly served on the plaintiff, and a copy of the Notice of Removal will be filed with the Clerk of the Fourth Judicial District Court for the County of Hennepin, State of Minnesota, as provided by 28 U.S.C. § 1446(d). A copy of the Notice of Filing of Notice of Removal is hereby attached as **Exhibit B**.

10. If any question arises as to the propriety of the removal of this action, Defendants request the opportunity to brief any disputed issues and to present oral argument in support of its position that this case is properly removeable.

11. Nothing in this Notice of Removal shall be viewed or interpreted as a waiver or relinquishment of Defendants' right to assert any defense or affirmative matter including, without limitation, the defenses of 1) lack of jurisdiction over the person, 2) improper venue, 3) insufficiency of process, 4) insufficiency of service process, 5) improper joinder of claims and/or parties, 6) failure to state a claim, 7) failure to join an indispensable party(ies), or 8) any other substantive defense available under state or federal law.

12. WHEREFORE Defendants hereby remove the case *Jeffrey Weisen v. Rademacher Companies, Inc., d/b/a Bill's Superette and Rademacher Family Partnership, LLP*, County of Hennepin, Fourth Judicial District Court, State of Minnesota, to the United State District Court for the District of Minnesota, pursuant to 28 U.S.C. § 1331, 1441, and 1446, and requests that all further proceedings be conducted in this Court as provided by law.

Dated: 02/02/21

HENNINGSON & SNOXELL, LTD.

s/Mark V. Steffenson

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